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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,509	05/23/2001	Manny Powers	01-393	9889

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

in

## Supplemental Office Action Summary

Application No.

09/863,509

Applicant(s)

POWERS, MANNY

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. Attached
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the amendment filed May 11, 2005 and the interview conducted with Richard Machonkin (Reg. No. 41,962) on August 8, 2005.
2. Claim 18 has been amended.
3. Claims 1-5 and 9-23 have been examined and are pending with this action.
4. The indicated allowability of claims 18 and 20-23 is withdrawn in view of the newly discovered teachings of Lewis et al. (US 6,131,112 A). Rejections based on the newly cited reference locations follow.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 9, 14, 16, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, 14, 16, 17, and 18 recites the limitation "first board type". There is insufficient numerical antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-3 and 14-17 rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al (US 6,131,112 A).

**INDEPENDENT:**

As per ***claims 1, 14, and 17***, Lewis teaches of a method, a system comprising means, and a computer readable medium having stored therein instructions for processing commands comprising: receiving and storing in a memory (see col.13, lines 24-37) a first command line interface server (see Fig.5, #42), the first command line

Art Unit: 2155

interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"); receiving and storing in memory (see col.13, lines 24-37) a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"); and processing a first command using the first command line interface server (see col.13, line 66 to col.14, line 3) and a second command using the second command line interface server (see col.13, line 66 to col.14, line 3), the first command addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command addressed to boards of the first board type programmed with the second version of software (see col.8, lines 54-65), wherein (i) processing the first command includes routing the first command to boards of the first board type programmed with the first version of software (see col.8, lines 56-59), (ii) processing the second command includes routing the second command to boards of the first board type programmed with the second version of software (see col.13, lines 55-65), and (iii) the memory concurrently stores the first command line interface server and the second command line interface server (see col.9, lines 7-10 and col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP).

As per **claim 16**, Lewis teaches of a computer program for processing commands comprising: first code for receiving and storing in a memory (see col.13,

Art Unit: 2155

lines 24-37) a first command line interface server (see Fig.5, #42), the first command line interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"); second code for receiving and storing in memory (see col.13, lines 24-37) a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"), wherein the memory concurrently stores the first command line interface server and the second command line interface server (see col.9, lines 7-10 and col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP); third code for routing (inherent: see col.4, lines 52-55) a first command, received at a master session process (see col.9, lines 7-10), to the first command line interface server, and for routing (inherent: see col.4, lines 52-55) a second command, received at a master session process (see col.9, lines 7-10), to the second command line interface server, the first command being addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command being addressed to boards of the first board type programmed with the second version of software (see col.8, lines 54-65); and fourth code for processing the first command using the first command line interface server (see col.13, line 66 to col.14, line 3) and the second command using the second command line interface server (see col.13, line 66 to col.14, line 3), wherein (i) processing the first command includes routing the first command to

Art Unit: 2155

boards of the first board type programmed with the first version of software (see col.8, lines 56-59), and (ii) processing the second command includes routing the second command to boards of the first board type programmed with the second version of software (see col.13, lines 55-65).

As per **claim 18**, Lewis teaches of a method of processing commands comprising: receiving and storing in a memory (see col.13, lines 24-37) a first command line interface server (see Fig.5, #42), the first command line interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"); receiving and storing in memory (see col.13, lines 24-37) a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"); and processing a first command using the first command line interface server (see col.13, line 66 to col.14, line 3) and a second command using the second command line interface server (see col.13, line 66 to col.14, line 3), the first command addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command addressed to boards of the first board type programmed with the second version of software (see col.8, lines 54-65); and receiving, at the first command line interface server, a response from each of the boards of the first type having a first software version, and responsively forwarding each response to a master command line interface server, wherein the master

Art Unit: 2155

command line interface server responsively sends a user response (see Fig.6: "Gateway"; and col.9, lines 10-50), wherein (i) processing the first command includes routing the first command to boards of the first board type programmed with the first version of software (see col.8, lines 56-59), (ii) processing the second command includes routing the second command to boards of the first board type programmed with the second version of software (see col.13, lines 55-65), and (iii) the memory concurrently stores the first command line interface server and the second command line interface server (see col.9, lines 7-10 and col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP).

**DEPENDENT:**

As per **claims 2, 15, and 20**, Lewis teaches of further comprising routing a single command to multiple boards using the first command line interface (see col.9, lines 31-50).

As per **claims 3 and 21**, Lewis further teaches wherein the first and second commands are CLI commands (see col.8, lines 56-59).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the



Art Unit: 2155

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 5, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 6,131,112 A) in view of Heck (US 6,317,743 A).

As per **claims 4 and 22**, Lewis does not explicitly teach of further comprising converting the first and second commands from a first protocol to a second protocol. Heck teaches of converting commands from a first protocol to a second protocol (see col.5, lines 15-34 and col.8, lines 64-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Heck within the system of Lewis by implementing a compiler to convert commands from a first protocol to a second protocol within the command processing method and system manager because Lewis teaches that the network management platform allows for collective management of autonomous local area networks (LANs), with equipment from different vendors" and complies with SNMP standards, "and can also accommodate other standard and proprietary protocols" (see col.5, lines 46-51) Therefore, such an implementation would enable the different proprietary protocols to communicate with each other.

As per **claims 5 and 23**, Lewis further teaches wherein the first protocol is CLI and the second protocol is SNMP (see col.5, lines 48-50).

8. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 6,131,112 A) in view of Scholl et al. (US 5,742,762 A).

**INDEPENDENT:**

As per **claim 9**, Lewis teaches of a system manager comprising: a memory (see col.13, lines 24-37), the memory for storing a first command line interface server (see Fig.5, #42), the first command line interface server processing commands addressed to boards of a first board type (see col.8, lines 54-65) programmed with a first version of software (inherent: see col.8, line 58: "associated platform"), the memory (see col.13, lines 24-37) also receiving and storing a second command line interface server (see Fig.5, #52), the second command line interface server processing commands addressed to boards of the first board type (see col.8, lines 54-65) programmed with the second version software (inherent: see col.8, line 58: "associated platform"), wherein the memory concurrently stores the first command line interface server and the second command line interface server (see col.13, lines 33-37: Lewis teaches of a single general purpose computer providing commands to both NMP and SMP); a processor coupled to the memory for directing a first command to the first command line interface server (see col.13, line 66 to col.14, line 3) and for directing a second command to the second command line interface server (see col.13, line 66 to col.14, line 3), the first command addressed to boards of the first type programmed with the first version software (see col.8, lines 54-65), and the second command addressed to boards of the first board type programmed with the second version of software (see col.8, lines 54-65); and (i) receiving the first command from the first command line interface server and routing the first command to one or more boards of the first board type programmed with the first version of software (see col.8, lines 56-59), and (ii) receiving the second command from the second command line interface and routing the second command to

Art Unit: 2155

one or more boards of the first board type programmed with the second version of software (see col.13, lines 55-65).

Lewis does not explicitly teach of a proxy agent. Scholl teaches of a proxy agent (see Fig.4, #15 & #19 and col.7, lines 10-15). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Scholl within the system of Lewis by implementing a proxy agent for receiving and routing commands to appropriate destinations within the manager system because Scholl teaches by implementing a proxy agent which include "network specific protocols", the requests can be appropriately directed to "each managed network" (see col.7, lines 5-9) and since Lewis teaches of two management platforms with two different protocols, one of ordinary skill in the art would employ the teachings of Scholl.

**DEPENDENT:**

As per **claim 10**, Lewis further teaches wherein the processor receives commands addressed to the multiple boards and routes commands to the multiple destinations (see col.9, lines 4-10 & 31-50).

As per **claim 11**, Lewis further teaches wherein the first and second commands are CLI commands (see col.8, lines 56-59).

As per **claim 12**, Lewis does not explicitly teach of further comprising converting the first and second commands from a first protocol to a second protocol. Scholl teaches of converting commands from a first protocol to a second protocol (see col.2, line 61 to col.3, line 6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Scholl within the system

Art Unit: 2155

of Lewis by implementing converting commands from a first protocol to a second protocol within a system manager because Lewis teaches of a gateway (see col.9, lines 7-10) and Scholl teaches that “gateways are employed for two software applications to communicate with each other” and “communications between two networks that use different protocols” (see col.2, lines 59-65). Therefore, one of ordinary skill in the art would concur that the gateway of Lewis teaches this limitation.

As per **claim 13**, Lewis further teaches wherein the first protocol is CLI and the second protocol is SNMP (see col.5, lines 48-50).

As per **claim 19**, Lewis further teaches wherein the processor is arranged to include a command line interface server master session (implicit: see col.9, lines 7-10) wherein the command line interface server master session receives the first command and the second command from a client device (see col.8, lines 62-65), and wherein the command line interface master session directs (i) the first command to the first command line interface server, and (ii) the second command to the second command line interface server (see claim 16 rejection above).

### ***Response to Arguments***

9. In response to the argument regarding claims 1, 14, 16, 17, and now 18 as well, the inherency of the version of software type lies within the different platform (SMP and NMP) of Lewis et al.(US 6,131,112 A). Clearly, the distinct management platforms will inherently have different and distinct softwares programs to execute the platforms.

Art Unit: 2155

Because Lewis teaches that the two management platforms may be integrated to share network management events and alarms (see abstract), Lewis clearly teaches the elements of directing commands to the appropriate "associated platform" board with the appropriate version of software.

Regarding the new 35 U.S.C. 112, second paragraph rejection, the applicant is suggested to amend the claim language to include a second board type or delete the term "first" in "first board type". Also, from the language of the claims and how the claim is written, the "first board type" is suggested to include both "first" and "second" versions of software. Appropriate correction is required to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

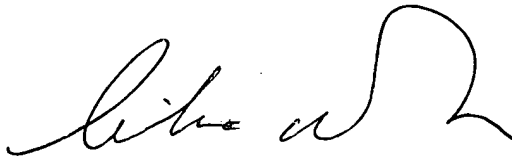
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



August 15, 2005

*Bharat Barot*  
**BHARAT BAROT**  
**PRIMARY EXAMINER**